

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID N. MURPHY, SR., :

Plaintiff : **CIVIL ACTION NO. 3:18-1404**

v. : **(MANNION, D.J.)**
(SCHWAB, M.J.)

SCOTT M. GROCHOWSKI, et al., :

Defendants :

ORDER

As set forth in the memorandum issued this same day, **IT IS HEREBY**

ORDERED THAT:

- (1)** Judge Schwab's report and recommendation, **(Doc. 135)**, is **ADOPTED IN ITS ENTIRETY**;
- (2)** the motions for summary judgment of defendants Grochowski, Morrow, Greenawald, and Berdanier, **(Docs. 88, 91 & 95)**, regarding the 4th Amendment and 1st Amendment claims respectively against them raised in the plaintiff's amended complaint, **(Doc. 16)**, are **GRANTED**, and **JUDGMENT** is entered in favor of the stated four defendants and against the plaintiff with respect to the stated claims;
- (3)** John Doe 3 defendant is dismissed from this case *sua sponte* by the court pursuant to Fed.R.Civ.P. 21;

- (4) the plaintiff's objections, (**Doc. 136**), to Judge Schwab's report are **OVERRULED**; and
- (5) the clerk of court is directed to **REMAND** this case to Judge Schwab for further proceedings as to the plaintiff's remaining claim, namely, his knock-and-announce claim against defendants PSP Sergeant Mark Rowlands and PSP Corporal John Chulock.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: July 19, 2021

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